

# Exhibit 3

THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

STEPHEN McCOLLUM, et al.

§

VS.

§

No. 3:12-CV-2037 L

BRAD LIVINGSTON, et al.

§

§

**MEDIATION AGREEMENT**

After a mediation session on this date, the parties agreed that the Defendants will propose the following items to the Agency leadership:

1. The incoming non-medically assessed offenders whose self-assessment indicate a heat related risk will be placed upon a temporary wellness checklist, until medically evaluated with documentation.
2. Development of a training video on the identification of and response to, apparent heat related illness or injuries, in cooperation with appropriate medical experts.
3. Defendants will review the feasibility of respite areas for newly received offenders or previously identified offenders on the heat list along with development of appropriate documentation.
4. Identify offenders at risk of heat injury in a manner visible to all staff.
5. Develop a formal written policy for addressing excessive heat in prisoner housing areas.
6. For every prisoner death (whether at a prison or at a medical facility after transfer from the prison) where hyperthermia, heat, high temperatures or the heat index is a cause or contributing cause, the warden of the prison, the regional director overseeing the particular prison, the Correctional Institutions Division director, the Executive Director and the TDCJ Board shall be notified and provided a report.

It is further agreed that no aspect of Plaintiffs' case has been compromised or released in any fashion as a result of this agreement.

Defendants will report back to the Plaintiffs' counsel on the proposals within 120 days.

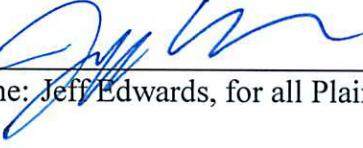
AGREED this 28<sup>th</sup> day of March, 2013.

**DEFENDANTS:**

By: 

Name: Bruce Garcia, for all Defendants

**PLAINTIFFS:**

By: 

Name: Jeff Edwards, for all Plaintiffs